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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,938	06/26/2003	Todd Vannoy	231340	6964
7590 07/14/2004				
Peter Loffler P.O. Box 1001 Niceville, FL 32588-1001			EXAMINER CHAMBERS, MICHAEL S	
			ART UNIT 3711	PAPER NUMBER

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,938

Applicant(s)

VANNOY, TODD

Examiner

Mike Chambers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1-6 is acknowledged. Claims 7-12 are withdrawn from further consideration, as directed to claims non-elected without traverse, 37CFR1.142.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Eddy. Eddy discloses

an elongate tubular member (10)having an outer surface, an inner surface, a first end, and an open second end ,handle (42) attached to the first end of the tubular member, an annular ring encompassing either the inner surface of the tubular member, proximate the second end, or the periphery of the second end the tubular member, the annular ring having a second diameter (37); and wherein the second end of the tubular member is positioned over the ball and pressed onto the ball such that either ball deforms as the ball passes over the annular ring (fig 1).

Also,

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Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nisbet.

Nisbet discloses

an elongate tubular member (10a) having an outer surface, an inner surface, a first end, and an open second end, handle (16a) attached to the first end of the tubular member, an annular ring encompassing either the inner surface of the tubular member, proximate the second end, or the periphery of the second end of the tubular member, the annular ring having a second diameter (10e); and wherein the second end of the tubular member is positioned over the ball and pressed onto the ball such that either ball deforms as the ball passes over the annular ring (fig 1b-1d, fig 3,4).

As to claims 2 and 3 : Nisbet discloses a removable handle with a hollow compartment (fig 3,16a,b).

As to claim 4 : Nisbet discloses a second diameter greater than a first diameter (fig 1c).

As to claim 5 : Nisbet discloses one ring (fig 1a).

Also,

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bobst.

Bobst discloses

an elongate tubular member (32) having an outer surface, an inner surface, a first end, and an open second end, handle (26, fig 2) attached to the first end of the tubular member, an annular ring encompassing either the inner surface of the tubular member, proximate the second end, or the periphery of the second end of the tubular member, the annular ring having a second diameter (52, fig 4); and wherein the second

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end of the tubular member is positioned over the ball and pressed onto the ball such that either ball deforms as the ball passes over the annular ring (fig 2 and 4).

As to claims 2 and 3 : Bobst discloses a removable handle with a hollow compartment (fig 2 and 4).

As to claim 4 : Bobst discloses a second diameter greater than a first diameter (fig 4).

As to claim 5 : Bobst discloses one ring (fig 4, item 52).

Also,

Claims 1, and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Green. Green discloses

an elongate tubular member (40 ,fig 8)having an outer surface, an inner surface, a first end, and an open second end ,handle (50, fig 7) attached to the first end of the tubular member, an annular ring encompassing either the inner surface of the tubular member, proximate the second end, or the periphery of the second end the tubular member, the annular ring having a second diameter (fig 12 and 13); and wherein the second end of the tubular member is positioned over the ball and pressed onto the ball such that either ball deforms as the ball passes over the annular ring (fig 12 and 13).

As to claim 4 : Green discloses a second diameter greater than a first diameter (fig 12, item 10).

As to claim 5 : Green discloses one ring (fig 12, item 10).

As to claim 6 : Green discloses at least one rib (fig 12,13, item 31).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hockey in view of Miotke. Hockey discloses the elements of claim 1, however it fails to clearly disclose the use of a handle. Miotke discloses the use of a handle. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the handle of Miotke with the apparatus of Hockey in order to provide a compact area to store accessories (golf tees) and increase user satisfaction.

As to claims 2 and 3 : Miotke discloses a removable handle with a hollow compartment (fig 1).

As to claim 4 : Hockey discloses a second diameter greater than a first diameter (fig 2).

As to claim 5 : Hockey discloses one ring (fig 5).

As to claim 6 : Hockey discloses at least one rib (fig 4, item 33).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 703-306-5516. The examiner can normally be reached on Mon-Fri 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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July 12, 2004


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